

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 24, 2008**

Court convened at 9:30 a.m., in the courtroom located at 925 North Spurgeon Street, Santa Ana, California, 92701. The panel members are Bedsworth, Acting P. J., O'Leary, J., Aronson, J. and Ikola, J. Antoinette Cajigal, deputy clerk attending.

G036819 TERRI ALKAYALI et al.
 v.
 RANDY LOGAN

Merits. Cause called. Edward F. O'Connor argued for appellants. Alan E. Greenberg argued for respondent. Cause submitted.

G037457 SUSAN HERRON
 v.
 JACK HERRON

Merits. Cause called. Frances Diaz argued for appellant. Steven E. Briggs argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 24, 2008 (cont'd)**

Court convened at 1:30 p.m., in the courtroom located at 925 North Spurgeon Street, Santa Ana, California, 92701. The panel members are Rylaarsdam, Acting P. J., O'Leary, J., and Fybel, J. Antoinette Cajigal, deputy clerk attending.

G038402 MIMI BARKER et al.
 & v.
G036916 MARVIN BARKER

Merits. Cause called. Evan D. Marshall argued for appellant Mimi Barker. Steven E Briggs argued for respondent.

G039100 KATHLEEN MILLER ET AL.
 v.
 CITY COUNCIL OF CITY OF LAGUNA BEACH

Merits. Cause called. Randall S. Waier argued for appellants. Philip D. Kohn argued for respondent City Council of City of Laguna Beach. Eugene C. Gratz argued for respondent Charles and Valerie Griswold. Cause submitted.

G039324 ORANGE COUNTY SOCIAL
 SERVICES AGENCY
 v.
 DIANA V.

Merits. Cause called. Joanne D.W. Newton argued for appellant. Aurelio Torre, Jr. Deputy County Counsel argued for respondent. Cause submitted.

G038985 HANS MAHAYNI
 v.
 TEHNOLOGY & COMMUNICATIONS SUPPLY CO. LTD. et al.

Merits. Cause called. Michael C. Robinson argued for appellant. Robert C. Shaia argued for respondents. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 24, 2008 (cont'd)**

G038568 ELIAS NUNEZ

v.

STEEL FORMING, INC. et al.

Merits. Cause called. David H. Pierce argued for appellant. Jay D. Brown argued for respondents. Cause submitted.

G038270 POSTAL INSTANT PRESS, INC.

v.

KASWA CORPORATION, INC.

Merits. Cause called. David B. Wasson argued for appellant. Kenneth L. Perkins argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 24, 2008 (cont'd)**

G038058 THE PEOPLE Not for publication
 v.
 SEBASTIAN M.

Opinion filed. The judgment is affirmed.

BEDSWORTH, ACTING P. J.

We concur: O'LEARY, J.
 ARONSON, J.

G038223 THE PEOPLE Not for publication
 v.
 IRAN E. HERNANDEZ

Opinion filed. The judgment is affirmed.

SILLS, P. J.

We concur: BEDSWORTH, J.
 FYBEL, J.

G038396 THE PEOPLE Not for publication
 v.
 RYAN REED RETTIG

Opinion filed. The judgment is affirmed.

IKOLA, J.

We concur: SILLS, P. J.
 RYLAARSDAM, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 24, 2008 (cont'd)**

G038430 JOHN LUCKETT Certified for publication
v.
WILMA A. PANOS, as Executrix, etc.

Opinion filed. The order is affirmed.

SILLS, P. J.

We concur: RYLAARSDAM, J.
 BEDSWORTH, J.

G038573 IRENE GUTIERREZ Not for publication
v.
FIRST AMERICAN SPECIALTY
INSURANCE COMPANY

Opinion filed. The judgment is affirmed.

MOORE, J.

We concur: SILLS, P. J.
 ARONSON, J.

G038603 NELLIE GAIL RANCH OWNERS Not for publication
ASSOCIATION
v.
RALPH COLOMBO et al.

Opinion filed. The judgment is affirmed.

SILLS, P. J.

We concur: RYLAARSDAM, J.
 MOORE, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 24, 2008 (cont'd)**

G039360 MARY SCHWARZ
 v.
 MICHAEL STAVELEY

Opinion filed. The appeal is dismissed as moot.

SILLS, P. J.

We concur: MOORE, J.
 FYBEL, J.

G039577 ORANGE COUNTY SOCIAL
 SERVICES AGENCY
 v.
 DANIELLE T.

Order filed. The above entitled cause is ordered submitted this date.
C.R.C., rule 8.416(g)(3).

SILLS, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 25, 2008 (cont'd)**

G035961 In re PATRICK CRAFT
 On
 Habeas Corpus.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G037563 THE PEOPLE
 v.
 DOUGLAS KILPATRICK

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G038185 THE PEOPLE
 v.
 ANDREW GRAJEDA

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G039269 DAYBREAK GROUP, INC.
 v.
 THREE CREEKS RANCH, LLC

Not for publication

Opinion filed. The order is affirmed.

BEDSWORTH, J.

We concur: SILLS, P. J.
 ARONSON, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 26, 2008**

G038132 DON FOX GREENE Not for publication
v.
RITCHIE BROS. AUCTIONEERS
(AMERICA) INC.

Opinion filed. The judgment is affirmed.

O'LEARY, ACTING P. J.

We concur: MOORE, J.
 ARONSON, J.

G038222 THE PEOPLE Not for publication
v.
DAMASCUS BELL

Opinion filed. The judgment is affirmed.

SILLS, P. J.

We concur: RYLAARSDAM, J.
 IKOLA, J.

G038253 NANCY CARLSON Not for publication
v.
CALLAHAN & BLAINE et al.

Opinion filed. The judgment is affirmed.

O'LEARY, J.

We concur: RYLAARSDAM, ACTING P. J.
 FYBEL, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 26, 2008 (cont'd)**

G039254 ORANGE COUNTY SOCIAL Not for publication
 SERVICES AGENCY et al.
 v.
 RAYLENE G.

Opinion filed. The judgment is affirmed.

BEDSWORTH, ACTING P. J.

We concur: MOORE, J.
 IKOLA, J.

G038286 ANTHONY AULISIO, JR. Not for publication
 v.
 SIDNEY SERAFINI

Opinion filed. The judgment is affirmed.

O'LEARY, J.

We concur: RYLAARSDAM, ACTING P. J.
 BEDSWORTH, J.

G038504 THE PEOPLE Not for publication
 v.
 PHAT P.

Opinion filed. The judgment is affirmed.

ARONSON, J.

We concur: SILLS, P. J.
 RYLAARSDAM, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 26, 2008 (cont'd)**

G038561 DAVID GUNTHER Not for publication
v.
UNITED COMMUNICATIONS GROUP,
INC.

Opinion filed. The order is affirmed.

SILLS, P. J.

We concur: RYLAARSDAM, J.
 FYBEL, J.

G038838 LA SIERRA FINANCIAL SERVICES Not for publication
INC., YACoub NASHED, PURPORTED

Opinion filed. The order is affirmed.

SILLS, P. J.

We concur: RYLAARSDAM, J.
 O'LEARY, J.

G038800 REZA AKHLAGHI et al. Certified for publication
v.
SUPERIOR COURT; THE PEOPLE

Opinion filed. The petition for writ of prohibition/mandate is granted. The stay is dissolved.

ARONSON, J.

We concur: SILLS, P. J.
 RYLAARSDAM, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 26, 2008 (cont'd)**

G039369 THE PEOPLE
v.
IRA NESBITT

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040100 DEBBIE COOK Certified for publication
v.
SUPERIOR COURT; KEITH CARLSON

Opinion filed. The petition for writ of mandate/prohibition is granted.

SILLS, P. J.

We concur: RYLAARSDAM, J.
IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 27, 2008**

G037299 TONY SHAHBAZ et al.
 v.
 KEVIN J. SENN

Opinion filed. The judgment is affirmed in part and reversed in part.

IKOLA, J.

We concur: RYLAARSDAM, ACTING P. J.
 ARONSON, J.

G037596 SABEN, EARLIX & ASSOCIATES
 v.
 ROBERT FILLET
 WILLIAM J. DAVIS et al.

Order filed. The petition for rehearing is denied.

MOORE, J.

We concur: RYLAARSDAM, ACTING P. J.
 O'LEARY, J.

G037925 THE PEOPLE
 v.
 EDGARDO B. VELASQUEZ

Order filed. On the court's own motion, rehearing is granted.

RYLAARSDAM, J.

We concur: SILLS, P. J.
 O'LEARY, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 27, 2008 (cont'd)**

G038097 LQNN, INC. Not for publication
 v.
 W.G. WELLS CO., et al.

Order filed. The judgment and orders are affirmed.

ARONSON, J.

We concur: MOORE, ACTING P. J.
 FYBEL, J.

G038229 JAMES TREDWELL et al. Not for publication
 v.
 FRANK TELLO

Opinion filed. The order is reversed. Request for sanctions denied.
Motion to strike denied.

MOORE, J.

We concur: RYLAASDAM, ACTING P. J.
 ARONSON, J.

G038322 JUAN R. FLORES
 v.
 AUTOZONE WEST, INC.

Order filed. Respondent has requested that our opinion, filed on Feb. 28, 2008, be certified for publication. After reviewing the request, we have concluded the case meets the requirements for publication. Pursuant to California Rules of Court, rule 8.1105(b), the request is GRANTED.

The opinion is ordered published in the Official Reports.

BEDSWORTH, J.

We concur: RYLAARSDAM, ACTING P. J.
 O'LEARY, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 27, 2008 (cont'd)**

G038375 THE PEOPLE
 v.
 CHRISTIAN E. BENITEZ

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G038737 THE PEOPLE
 v.
 AARON G. SPONSELLER

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G038826 THE PEOPLE
 v.
 NATALIE K.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G038924 SHAUN PETERSON
 v.
 ANNA ROE

Not for publication

Opinion filed. The judgment is reversed.

ARONSON, J.

We concur: BEDSWORTH, ACTING P. J.
 MOORE, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 27, 2008 (cont'd)**

G039296 THE PEOPLE Not for publication
 v.
 IRA E. NESBITT

Opinion filed. The judgment is affirmed.

BY THE COURT

Before Sills, P. J., Rylaarsdam, J. and Ikola, J.

G039533 GERARD P. KNOWLES Not for publication
 v.
 SUPERIOR COURT; CANDACE L. KEELING

Opinion filed. The petition is denied.

BEDSWORTH, ACTING P. J.

We concur: MOORE, J.
 ARONSON, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 28, 2008**

G036534, ZAKIYYAH MUHAMMAD Not for publication
G036986 & v.
G037172 ISLAMIC SOCIETY OF ORANGE
 COUNTY et al.

Opinion filed. Affirmed in part and reversed in part.

Sills, P.J.

We concur: Rylaarsdamm, J.
 Moore, J.

G036896 GRIFFIN DEWATERING
 CORPORATION
 v.
 NORTHERN INSURANCE COMPANY
 OF NEW YORK

Order filed. Pursuant to California Rules of Court, rule 8.256(e)(1),
submission of the above entitled matter is hereby vacated and the cause
resubmitted as of this date for the period allowed by law.

Sills, P.J.

We concur: Bedsworth, J.
 Aronson, J.

G037534 WESTERN ETHANOL COMPANY Not for publication
 v.
 MIDWEST RENEWABLE ENERGY

Order filed. Order modifying opinion and denial of petition for rehearing;
no change in judgment.

Bedsworth, J.

I concur: Rylaarsdam, Acting P.J.
I Dissent : Moor, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 28, 2008 (cont'd)**

G037988 BUTCH VANDERPOOL et al. Not for publication
v.
REGENTS OF THE UNIVERSITY
OF CALIFORNIA

Opinion filed. The judgment is affirmed.

Aronson, J.

We concur: Rylaarsdam, Acting P.J.
Fybel, J.

G038162 THE PEOPLE Not for publication
v.
GILBERT TOVAR

Opinion filed. The judgment is affirmed.

Sills, P.J.

We concur: Rylaarsdam, J.
Bedsworth, J.

G038172 In re Marriage of LOUISE E. and Certified for publication
CHARLES RANDALL GERKIN
LOUISE E. GERKIN
v.
CHARLES RANDALL GERKIN,
COUNTY OF ORANGE

Order filed. Order granting request for publication.

Fybel, J.

We concur: Rylaarsdamm, Acting P.J.
Aronson, J

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 28, 2008 (cont'd)**

G038182 In re KELLY H., Not for publication
 THE PEOPLE
 v.
 KELLY H.

Opinion filed. The judgment is affirmed.

Sills, P.J.

We concur: Rylaarsdam, J.
 Ikola, J.

G038234 THE PEOPLE Not for publication
 v.
 HECTOR TENORIO

Opinion filed. Reversed and remanded.

Sills, P.J.

We Concur: Moore, J.
 Ikola, J.

G038401 THE PEOPLE Not for publication
 v.
 KHANH THANH DO

Opinion filed. The judgment is affirmed.

Sills, P.J.

We concur: O'Leary, J.
 Aronson, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 28, 2008 (cont'd)**

G038474 Conservatorship of the person and Not for publication
 Estate of PASQUALE C.
 JOHN S. WILLIAMS
 v.
 PASQUALE C.

Opinion filed. The appeal is dismissed as moot.

Aronsno, J.

We concur: Sills, P.J.
 Bedsworth, J.

G039093 In re ADAM B., Not for publication
 ORANGE COUNTY
 SOCIAL SERVICES AGENCY
 v.
 TRISHA B.

Opinion filed. Affirmed.

Aronson, J.

We concur: Bedsworth, Acting P.J.
 O'Leary, J.

G039214 & THE PEOPLE
G039236 v.
 CHARLES LAMONT MILLER

G039991 & In re CHARLES LAMONT MILLER
G040019 on Habeas Corpus

Order filed. On the court's own motion, and for good cause, the direct appeal in case number G039214 is ordered SEVERED from the petition for a writ of habeas corpus in case number G040019. Submission in case number G039214 is VACATED pursuant to California Rules of Court, rule 8.256(e)(1).

Sills, P.J.